

**REMARKS**

Applicant has amended claims 1, 3, 5, 8, 11, 13, 15 and 16. Claims 2 and 6 have been canceled. These amendments have been made to place them in better form for examination and to further obviate the 35 U.S.C. § 102, 103 and 112 rejections as set forth in the Office Action dated March 9, 2004. It is believed none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of the rejections is respectfully submitted.

The Examiner has rejected claims 15 and 16 under 35 U.S.C. §112, second paragraph as being indefinite. Applicant has amended these claims as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 5 and 8 under 35 U.S.C. §102 as being anticipated by prior art. Applicant has amended claim 5 as suggested by the Examiner. Applicant has also amended claim 8 to include elite seed. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 5, 7 and 8 under 35 U.S.C. §102 as being anticipated by Podol'skaya et al (1988) and Sesov. Applicant has amended claims 5 and 8 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8, 11 and 14 under 35 U.S.C. §102 as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Nelson and Kermicle et al. Applicant will be submitting a declaration by the Applicant regarding this rejection. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 13 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Miller. Applicant has amended claim 13 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1, 4-5, 7-8, 11 and 13-16 "under 35 U.S.C. §103(a) as being unpatentable over Podol'skaya (1982) taken with each of Nelson, Podol'skaya (1988) and Sesov." Applicant has amended claim 1 to include "elite yellow

corn inbred." Applicant has amended claim 8 to include the word "elite" before F<sub>1</sub>.

Applicant has amended claims 5 and 11 to exclude both popcorn and sweetcorn.

Applicant has amended claims 13, 15 and 16 as the Examiner has suggested.

Applicant respectfully requests withdrawal of these rejections.

The Examiner has objected to claims 2-3 and 6 as being dependent upon a rejected base claim. Applicant has rewritten claim 1 to include the limitation of claim 2, has canceled claims 2 and 6, and has rewritten claim 6 in independent form as new claim 21. Withdrawal of this objection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102, 103 and 112 and are not obvious over the prior art. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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